

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

DERESKEY HAYDEN, #1363926 §
VS. § CIVIL ACTION NO. 6:09cv431
DIRECTOR, TDCJ-CID §

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge John D. Love. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. No objections were filed.

Petitioner filed a letter requesting explanation of the following: The standing order refers certain cases to a Magistrate Judge. Petitioner received a consent form, which he did not sign and return; therefore, the undersigned, a District Judge, is presiding in this case, and the case was referred to Magistrate Judge John D. Love to propose findings of fact and recommendations for disposition of the case. Petitioner will not be appointed an attorney. Petitioner does not allege sufficient facts from which the Court can determine that appointment of counsel is necessary or that the case is unduly complicated.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this action is **DISMISSED** without prejudice;

and

ORDERS that all motions not previously ruled on are denied.

So ORDERED and SIGNED this 2nd day of November, 2009.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE